REMARKS

Applicants have carefully considered the May 16, 2006 Office Action, and the amendments above together with the comments that follow are presented in a bona fide effort to address all issues raised in that Action and thereby place this case in condition for allowance. Claims 1-16 are pending in this application. In response to the Office Action dated May 16, 2006, claims 1-4 and 10 have been amended. The subject matter of claim 4 has been added to claim 1. Claims 2 and 3 have been amended for clarity to address the Examiner's rejection under the second paragraph of 35 U.S.C. 112. The dependencies of claims 4 and 10 have been amended. Care has been exercised to avoid the introduction of new matter. Accordingly, entry of the Amendment and prompt favorable reconsideration pursuant to 37 C.F.R. § 1.116 are respectfully requested.

Claims 2-16 were rejected under 35 U.S.C. § 112, second paragraph. Applicants request reconsideration and withdrawal of the rejection in view of the foregoing amendments to independent claims 2 and 3 and the following remarks.

The Examiner, at page 2 of the Office action, stated that it was unclear whether the hypohalogenous acid, ozone or active oxygen is generated in the electrolytic water or whether the hypohalogenous acid, ozone or active oxygen is generated during the course of the first treatment. With respect to claim 2, the electrolytic water, containing, hypohalogenous acid, ozone or active oxygen, is generated in a separately installed apparatus 30 and subsequently added to the waste water 12. See Fig. 4 and page 24 of the present specification. Additionally, as depicted in Fig. 5, the electrolytic water generated in apparatus 30 and added to waste water

12, can be further subjected to electrolysis (electrochemical technique) by electrodes 14, 15. See page 24 of the present specification.

The Examiner further stated that it was unclear whether the hypohalogenous acid of a drug is added to the electrolyte water or whether the hypohalogenous acid of a drug is added to the water to be treated. The Examiner's attention is directed to page 24 of the present specification, wherein a hypohalogenous acid of a drug 31 is added to the waste water 12.

Accordingly, one having ordinary skill in the art would not have difficulty understanding the scope of the presently claimed invention, particularly when reasonably interpreted in light of the supporting specification. Therefore, it is respectfully submitted that the imposed rejection of claims 2-16 under 35 U.S.C. § 112, second paragraph is not legally viable and hence, Applicants solicit withdrawal thereof.

Claims 1 and 16 were rejected under 35 U.S.C. § 102(b) predicated upon Lin et al. (U.S. Pat. No. 6,083,377, hereinafter "Lin"). In the statement of the rejection, the Examiner asserted that Lin discloses a method corresponding to that defined in independent claim 1 and dependent claim 16. Applicants traverse.

The subject matter of dependent claim 4 has been added to independent claim 1. Claim 4 was not rejected over the Lin patent. Therefore, Applicants respectfully submit that the rejection under 35 U.S.C. § 102(b) predicated upon Lin is moot.

Claims 1 through 16 were rejected on the grounds of nonstatutory obvious-type double patenting as being unpatentable over claim 7 of U.S. Pat. No. 6,984,326 (hereinafter "'326 patent"). Applicants respectfully traverse the rejection in view of the following remarks.

The '326 patent discloses biological process vessel 32 is disposed before the electrochemical treating vessel 2. On the other hand, in the present claimed subject matter, the

biochemically treating steps (second step) is after the electrochemical treating step (first step). The present claimed methodology is neither disclosed or remotely suggested in the '326 patent.

Applicants note that a double patenting rejection of the obviousness-type is nearly analogous to the nonobviousness requirement of 35 U.S.C. § 103. See *In re Braithwaite*, 379 F.2d 594, 154 U.S.P.Q. 29 (CCPA 1967). Moreover, any analysis employed in an obviousness-type double patenting rejection parallels the guidelines for analysis of a 35 U.S.C. § 103 obviousness determination. See *In re Braat*, 937 F.2d 589, 19 U.S.P.Q.2d 1289 (Fed. Cir. 1991); *In re Longi*, 759 F.2d 887, 225 U.S.P.Q. 645 (Fed. Cir. 1985). The factual inquiries outlined in *Graham v. John Deere Co.*, 383 U.S. 1, 148 U.S.P.Q. 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. § 103, should be employed when making an obvious-type double patenting analysis. Therefore, Applicants respectfully traverse the obvious-type double patenting rejection in view of the aforementioned differences between the present claimed subject matter and the '326 patent.

It is believed that all pending claims are now in condition for allowance. Applicants therefore respectfully request an early and favorable reconsideration and allowance of this application. If there are any outstanding issues which might be resolved by an interview or an Examiner's amendment, the Examiner is invited to call Applicants' representative at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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